

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 49

Introduced by Assembly Member Benoit

December 6, 2004

~~An act to repeal and add Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, and to add Section 3562.3 to the Government Code, relating to public education. An act to repeal Section 44625.7 of, and to repeal and add Sections 44265.8 and 44265.9 of, the Education Code, relating to teacher credentialing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 49, as amended, Benoit. ~~Contracting for noninstructional services. Teacher credentialing: CBEST: exemption.~~

(1) Existing law requires the Commission on Teacher Credentialing to issue a 2-year nonrenewable preliminary specialist instruction credential, solely for the purpose of instructing deaf or hearing-impaired pupils, to any prelingually deaf, as defined, candidate, upon medical or other appropriate professional verifications of that condition, if the candidate meets certain minimum requirements for the credential. The credential is limited to teaching pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

Existing law requires the commission to issue a 2-year services credential with a specialization in pupil personnel services, solely for the purpose of providing services as a school counselor, school psychologist, or school social worker for deaf and hearing-impaired pupils, to any prelingually deaf candidate, upon medical or other appropriate professional verification of that condition, if the candidate meets specified minimum requirements. Existing law limits

the holder of the credential to providing these services at all grade levels to pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

This bill, instead, would require the commission to issue a 2-year preliminary teaching credential or preliminary services credential to a candidate who is prelingually deaf and meets all of the requirements in law for the pertinent 5-year teaching or services credential, except that the candidate would be exempted from compliance with certain state basic skills proficiency testing requirements. The bill would limit the holder of the credential to teaching or providing services to deaf and hearing-impaired pupils who are enrolled in state special schools or in special classes for pupils with hearing impairments.

The bill would require the commission to develop criteria to verify the proficiency of persons credentialed under the bill. The bill would require the employing school district, county office of education, or state special school to appoint a 3-person panel, as specified, to verify the proficiency of holders of these credentials using the criteria the commission develops. The bill thereby would establish a state-mandated local program by imposing new requirements on school districts and county offices of education. The bill would require the commission, upon the employing local or state education entity's verification of proficiency, to issue a teaching credential for the remainder of the preliminary period and limited to the instruction of deaf and hearing-impaired pupils enrolled in state special schools or in special classes, or a services credential for the remainder of the preliminary period and limited to the provision of services to deaf and hearing-impaired pupils enrolled in state special schools or in special classes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law authorizes school districts and community college districts to enter into contracts for personal services customarily performed by classified employees to achieve cost savings if prescribed conditions are met.~~

~~This bill would repeal these provisions and would, instead, authorize school districts and community college districts to contract for any noninstructional services, as prescribed.~~

~~(2) Existing law sets forth certain requirements relating to higher education employer-employee relations, including, but not limited to, the requirement to meet and confer in good faith regarding terms and conditions of employment.~~

~~This bill would declare that these employer-employee relations provisions do not limit the authority of the University of California, the Hastings College of the Law, and the California State University, to enter into contracts with third parties for noninstructional services, as prescribed.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 44265.7 of the Education Code is~~
2 ~~repealed.~~
3 ~~44265.7. (a) The Commission on Teacher Credentialing shall~~
4 ~~issue a two-year nonrenewable preliminary specialist instruction~~
5 ~~credential, solely for the purpose of instructing deaf or~~
6 ~~hearing-impaired pupils, to any prelingually deaf candidate upon~~
7 ~~medical or other appropriate professional verifications.~~
8 ~~(b) The minimum requirements for the preliminary specialist~~
9 ~~instruction credential solely for the purpose of instructing deaf or~~
10 ~~hearing-impaired pupils are all of the following:~~
11 ~~(1) A baccalaureate or higher degree, except a degree in~~
12 ~~professional education, from a regionally accredited institution of~~
13 ~~higher education.~~
14 ~~(2) Completion of an approved program of professional~~
15 ~~preparation.~~
16 ~~(3) Demonstration of a knowledge of various methods of~~
17 ~~teaching reading.~~
18 ~~(4) Study of alternative methods of developing English~~
19 ~~language skills, including reading, and the study of integrated~~
20 ~~methods of teaching language arts.~~
21 ~~(5) Completion of a subject matter program that has been~~
22 ~~approved by the commission on the basis of standards of~~
23 ~~program quality and effectiveness pursuant to Article 6~~

1 ~~(commencing with Section 44310) or passage of a subject matter~~
2 ~~examination pursuant to Article 5 (commencing with Section~~
3 ~~44280).~~

4 ~~(6) Demonstration of a knowledge of the principles and~~
5 ~~provisions of the Constitution of the United States pursuant to~~
6 ~~Section 44335.~~

7 ~~(e) The applicant is exempted from the requirements in~~
8 ~~Section 44252 and subdivision (b) of Section 44830.~~

9 ~~(d) “Prelingually deaf” is defined, for purposes of this section,~~
10 ~~as having suffered a hearing loss prior to three years of age that~~
11 ~~prevents the processing of linguistic information through hearing,~~
12 ~~with or without amplification.~~

13 ~~(e) The preliminary specialist instruction credential issued~~
14 ~~under this section authorizes the holder to teach deaf and~~
15 ~~hearing-impaired pupils who are enrolled in state special schools~~
16 ~~or in special classes for pupils with hearing impairments.~~

17 *SEC. 2. Section 44265.8 of the Education Code is repealed.*

18 ~~44265.8. (a) The Commission on Teacher Credentialing shall~~
19 ~~issue a two-year services credential with a specialization in pupil~~
20 ~~personnel services, solely for the purpose of providing services~~
21 ~~as a school counselor, school psychologist, or school social~~
22 ~~worker for deaf and hearing-impaired pupils, to any prelingually~~
23 ~~deaf candidate upon medical or other appropriate professional~~
24 ~~verifications, provided the candidate has met the minimum~~
25 ~~requirements specified in Section 44266.~~

26 ~~(b) The applicant is exempted from the requirements in~~
27 ~~Section 44252 and subdivision (b) of Section 44830.~~

28 ~~(e) For purposes of this section, “prelingually deaf” means~~
29 ~~having suffered a hearing loss prior to three years of age that~~
30 ~~prevents the processing of linguistic information through hearing,~~
31 ~~with or without amplification.~~

32 ~~(d) The services credential issued under this section authorizes~~
33 ~~the holder to serve at all grade levels as a school counselor,~~
34 ~~school psychologist, or school social worker, as specified on the~~
35 ~~credential, for deaf and hearing-impaired pupils who are enrolled~~
36 ~~in state special schools or in special classes for pupils with~~
37 ~~hearing impairments.~~

38 *SEC. 3. Section 44265.8 is added to the Education Code, to*
39 *read:*

1 44265.8. (a) *The Commission on Teacher Credentialing*
 2 *shall issue a two-year nonrenewable preliminary teaching*
 3 *credential or preliminary services credential to a candidate who*
 4 *is prelingually deaf and meets all of the requirements in law for*
 5 *the pertinent five-year teaching or services credential, except*
 6 *that the candidate is exempt from compliance with the state basic*
 7 *skills proficiency testing requirements in Section 44252 and*
 8 *subdivision (b) of Section 44830.*

9 (b) *A credential issued under this section authorizes the holder*
 10 *to teach or provide services, as authorized by the credential, only*
 11 *to deaf and hearing-impaired pupils who are enrolled in state*
 12 *special schools or in special classes for pupils with hearing*
 13 *impairments.*

14 (c) *For purposes of this section "prelingually deaf" means*
 15 *having suffered a hearing loss prior to three years of age that*
 16 *prevents the processing of linguistic information through*
 17 *hearing, with or without amplification, if the condition is verified*
 18 *through medical or other appropriate professional means.*

19 SEC. 4. *Section 44265.9 of the Education Code is repealed.*

20 ~~44265.9. (a) By January 1, 1994, the Commission on~~
 21 ~~Teacher Credentialing shall develop criteria to verify the~~
 22 ~~proficiency of holders of credentials issued pursuant to Sections~~
 23 ~~44265.7 and 44265.8 in performing the essential functions of~~
 24 ~~their positions.~~

25 ~~(b) The school district, county office of education, or state~~
 26 ~~special school that employs a holder of a credential issued~~
 27 ~~pursuant to Section 44265.7 or 44265.8 shall appoint a~~
 28 ~~three-person panel that shall verify the proficiency of holders of~~
 29 ~~credentials issued pursuant to Sections 44265.7 and 44265.8~~
 30 ~~using the criteria the Commission on Teacher Credentialing~~
 31 ~~develops for this purpose. The panel shall report its findings to~~
 32 ~~the employing school district, county office of education, or state~~
 33 ~~special school which may adopt those findings.~~

34 ~~(c) The panel appointed pursuant to subdivision (b) shall~~
 35 ~~consist of the following:~~

36 ~~(1) A school administrator selected by school administrators of~~
 37 ~~the employing school district, county office of education, or state~~
 38 ~~special school.~~

39 ~~(2) A parent of a deaf or hearing-impaired child selected by a~~
 40 ~~school-related parent group.~~

~~(3) A teacher who holds a credential authorizing service to deaf or hearing-impaired pupils selected by teachers at the employing school.~~

~~(d) Employing school districts, county offices of education, and state special schools shall ensure that the panel completes the verification of proficiency within two years of the issuance of the credentials issued pursuant to Sections 44265.7 and 44265.8.~~

~~(e) Upon verification of proficiency as documented by the employing school district, county office of education, or state special school, the Commission on Teacher Credentialing shall issue a specialist credential, solely for the purpose of instructing deaf and hearing-impaired pupils enrolled in state special schools, or in special classes, or a services credential with a specialization in pupil personnel services, solely for the purpose of counseling deaf and hearing-impaired pupils enrolled in state special schools or in special classes.~~

SEC. 5. Section 44265.9 is added to the Education Code, to read:

44265.9. (a) The Commission on Teacher Credentialing shall develop criteria to verify the proficiency of any holder of a credential issued under Section 44265.8 in performing the essential functions of his or her position.

(b) The school district, county office of education, or state special school that employs a holder of a credential issued under Section 44265.8 shall appoint a three-person panel to verify proficiency using the criteria the commission develops for this purpose. The panel shall report its findings to the employing school district, county office of education, or state special school, which may adopt those findings.

(c) The panel appointed pursuant to subdivision (b) shall consist of the following:

(1) A school administrator selected by school administrators of the employing school district, county office of education, or state special school.

(2) A parent of a deaf or hearing-impaired child selected by a school-related parent group.

(3) A teacher or school services provider who holds a credential to teach or service deaf or hearing-impaired pupils selected by teachers at the employing school.

1 (d) The employing school district, county office of education,
2 or state special school shall ensure that the panel completes the
3 verification of proficiency within two years after the issuance of
4 the credential issued under Section 44265.8.

5 (e) Upon verification of proficiency, as documented by the
6 employing school district, county office of education, or state
7 special school, the commission shall issue a teaching credential
8 for the remainder of the preliminary period that is limited to
9 providing the instruction authorized by the credential to deaf and
10 hearing-impaired pupils enrolled in state special schools or in
11 special classes, or a services credential for the remainder of the
12 preliminary period that is limited to the provision of services
13 authorized by the credential for deaf and hearing-impaired
14 pupils enrolled in state special schools or in special classes.

15 SEC. 6. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

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22 **All matter omitted in this version of the bill**
23 **appears in the bill as introduced in**
24 **Assembly, December 6, 2004 (JR11)**
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